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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,115	04/30/2001	Masayuki Chatani	SONYP009	5023
25920 7590 09/01/2010 MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085				
EXAMINER				
BAROT, BHARAT				
ART UNIT		PAPER NUMBER		
2455				
MAIL DATE		DELIVERY MODE		
09/01/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/846,115

Applicant(s)

CHATANI, MASAYUKI

Examiner

Bharat N. Barot

Art Unit

2455

Period for Reply -- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 21-23 and 25-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 21-23, and 25-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE-02)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

RESPONSE TO AMENDMENT

1. Claims 1-19, 21-23, and 25-37 remain for further examination.

The old rejection maintained

2. Applicant's arguments with respect to claims 1-19, 21-23, and 25-37 filed on June 04, 2010 have been fully considered but they are not deemed to be persuasive for the claims 1-19, 21-23, and 25-37. The rejection is respectfully maintained as set forth in the last Office Action mailed on March 03, 2010.

Claim Rejections - 35 USC § 112

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-19, 21-23, and 25-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 10, 14, 22, 30, 32, and 37, they contain the phrase "the applied expression does not perform language translation" renders the claims indefinite because applicant failed to disclose how the system work without performing language translation and also it is unclear about a converting step that perform a altering the content data without performing language translation.

Other dependent claims, which are not specifically cited above are also rejected because of the deficiencies of their respective parent claims.

5. Claims 1-19, 21-23, and 25-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 1, 10, 14, 22, 30, 32, and 37, they contain the phrase "the applied expression does not perform language translation" applicant failed to describe how the system work without performing language translation in the specification and also applicant failed to describe/mention that "the applied expression does not perform language translation".

Other dependent claims, which are not specifically cited above are also rejected because of the deficiencies of their respective parent claims.

Claim Rejections - 35 USC § 103(a)

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1-19, 21-23, and 25-37 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Sutton et al (U.S. Patent No. 6,539,354) in view of Dietz (U.S. Patent No. 6,385,586).

8. As to claim 1, Sutton et al teach a method of modifying content data transmitted from a first computer to a second computer over a bi-directional communications network (figure 1; column 4 line 48 to column 5 line 2; and column 19 lines 46-65) comprising: specifying content data output characteristics to be associated with the content data upon output by the second computer (figures 5A and 10; column 16 lines 12-49; and column 20 lines 12-31); transmitting the content data from the first computer to the second computer over the bi-directional communications network (column 19 lines 46-65); and altering the content data that is to be output by the second computer in accordance with the content data output characteristics specified through the first computer, the output characteristics identifying an expression to be applied to the content data (figures 10-11; column 20 lines 14-25; and column 21 lines 27-41), the altering includes converting an audio component of the content data to text data, the text data being synthesized audio data (figure 6; column 15 lines 54-62; and column 16 lines 50-61) that includes the applied expression that does not perform language translation (figures 10-11; column 20 lines 14-25; and column 21 lines 27-41).

Note: Sutton et al teach that applied expression by selecting character appearance, emotions, and voice characteristics, which is not performing the language translation.

However, Sutton et al do not teach that the altering includes the text data being processed into converted text data, and the converted text data being synthesized into audio data.

Dietz teaches a method of modifying content data transmitted from a first computer to a second computer over a bi-directional communications network (figure 2) comprising: the altering includes converting an audio component of the content data to text data through a voice recognition process (figure 2; column 5 lines 61-65; figure 3; and column 6 lines 27-36), the text data being processed into converted text data, and the converted text data being synthesized into audio data (figure 2; column 6 lines 6-13; figure 3; and column 6 lines 50-62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Dietz stated above in the method of Sutton et al for modifying content data transmitted from a first computer to a second computer over a bi-directional communications network because it would have increased the round-trip processing speed and provided the system for providing synthesized audio data to improve speech communication between two computers.

9. As to claim 2, Sutton et al teach the steps of: receiving the content data in the first computer (inputs 2A and 2B); and outputting the altered content data from the second computer (multimedia output 100 and 102) (figure 5A; and column 16 lines 12-49).

10. As to claim 3, However, Sutton et al do not teach that the content data output characteristics include location information of the first and second computers, the location information affects the altering of the content data.

Dietz teaches that the content data output characteristics include location information of the first and second computers, the location information affects the altering of the content data (column 3 lines 13-17; and column 4 lines 30-64, reference teaches the GPS technology to find the locations of the first and second computers).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Dietz stated above in the method of Sutton et al for identifying the locations of the first and second computers because it would have provided the system for providing synthesized audio data to improve speech communication between two computers.

11. As to claims 4-5, Sutton et al teach that the received content data comprises voice data input into the first computer (figures 5A, 7, 9, and 10); and the altered content data being transmitted for output through speakers coupled to the second computer (column 8 lines 28-34; column 13 lines 6-13; and column 22 lines 11-18).

12. As to claim 6, Sutton et al teach that the content data output characteristics include at least one of character gender, character condition, character environment, and language (column 20 lines 39-46 and 57-67).

13. As to claims 7-8, Sutton et al teach that the content data output characteristics are defined by input received by the first computer through a user interface; and the content data output characteristics are defined by input received by the second computer through a user interface (column 14 lines 18-33; column 20 lines 12-25; and column 21 line 65 to column 22 line 18).

14. As to claim 9, Sutton et al teach that the content data output characteristics are stored in a database residing in memory storage coupled to the second computer (column 18 lines 2-8).

15. As to claim 11, Sutton et al teach that the first and second computers are coupled to audio speakers, and wherein the content data output characteristics comprise an audio output ratio for outputting content data from the audio speakers (column 8 lines 28-34; column 13 lines 6-13; column 20 lines 32-67; and column 22 lines 11-18).

16. As to claims 12-13, However, Sutton et al do not teach that the location information for the first and second computers are respectively obtained from the first and second computers and determined by the physical location of the first and second computers.

Dietz teaches that the location information for the first and second computers are respectively obtained from the first and second computers and determined by the

physical location of the first and second computers (column 3 lines 13-17; and column 4 lines 30-64, reference teaches the GPS technology to find the locations of the first and second computers).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Dietz stated above in the method of Sutton et al for identifying the locations of the first and second computers because it would have provided the system for providing synthesized audio data to improve speech communication between two computers.

17. As to claim 10, they are also rejected for the same reasons set forth to rejecting claims 1-3 above. Additionally, Dietz teaches that the determining a relative location of each character in an environment defined by the program; and altering the specific output characteristics of the audio output depending upon the relative location of each character associated with each of the users (column 3 lines 13-17; and column 4 lines 30-64, reference teaches the GPS technology to find the locations of the first and second computers).

18. As to claim 31, Sutton et al teach that each of the client computers includes a left and right speaker pair, and wherein the content data output characteristics comprise a relative audio output ratio for outputting altered content data from the left and right speakers (column 6 lines 54-62; column 8 lines 28-35; and column 22 lines 14-18).

19. As to claims 14-19, 21-23, and 25-29, they are also rejected for the same reasons set forth to rejecting claims 1-13 and 31 above, since claims 14-19, 21-23, and 25-29 are merely an apparatus for the method of operation defined in the claims 1-13 and 31.

20. As to claim 30 it is also rejected for the same reasons set forth to rejecting claim 1 above, since claim 30 is merely an apparatus for the method of operation defined in the claim 1.

21. As to claims 32-37, they are also rejected for the same reasons set forth to rejecting claims 1-13 and 31 above, since claims 32-37 are merely an apparatus for the method of operation defined in the claims 1-13 and 31. Additionally, Sutton et al teach that the claimed invention implemented in the interactive network system and gaming system (column 19 lines 46-65; and column 20 lines 32-67).

Response to Arguments

22. Applicants' arguments with respect to claims 1-19, 21-23, and 25-37 filed on June 04, 2010 have been fully considered but they are not deemed to be persuasive for the claims 1-19, 21-23, and 25-37.

In the remarks, the applicant argues that:

(A) Argument: The combination of the prior art does not teach altering the content data including an applied expression that does not perform language translation.

Response: Sutton et al teach altering includes converting an audio component of the content data to text data, the text data being synthesized audio data (figure 6; column 15 lines 54-62; and column 16 lines 50-61) that includes the applied expression that does not perform language translation (figures 10-11; column 20 lines 14-25; and column 21 lines 27-41); therefore, the applicant's argument is moot in reference to the above response. Note: Sutton et al teach that applied expression by selecting character appearance, emotions, and voice characteristics, which is not performing the language translation.

(B) Argument: The combination of Sutton and Dietz does not teach the aforementioned claim because the combination will always perform language translation.

Response: Sutton et al teach a method of modifying content data transmitted from a first computer to a second computer over a bi-directional communications network (figure 1; column 4 line 48 to column 5 line 2; and column 19 lines 46-65) comprising: altering the content data that is to be output by the second computer in accordance with the content data output characteristics specified through the first computer, the output characteristics identifying an expression to be applied to the content data (figures 10-11; column 20 lines 14-25; and column 21 lines 27-41), the altering includes converting an audio component of the content data to text data, the text data being synthesized audio data (figure 6; column 15 lines 54-62; and column

16 lines 50-61) that includes the applied expression that does not perform language translation (figures 10-11; column 20 lines 14-25; and column 21 lines 27-41). Note: Sutton et al teach that applied expression by selecting character appearance, emotions, and voice characteristics, which is not performing the language translation.

Dietz teaches a method of modifying content data transmitted from a first computer to a second computer over a bi-directional communications network (figure 2) comprising: the altering includes converting an audio component of the content data to text data through a voice recognition process (figure 2; column 5 lines 61-65; figure 3; and column 6 lines 27-36, voice to text application), the text data being processed into converted text data (human language to desired language), and the converted text data being synthesized into audio data (figure 2; column 6 lines 6-13; figure 3; and column 6 lines 50-62, text to voice application); therefore, the combination of Sutton and Dietz teaches the claimed invention and the applicant's argument is moot in reference to the above response.

23. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:30 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

/Bharat N Barot/

Primary Examiner, Art Unit 2455

August 20, 2010